



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/208,064 12/09/98 LORTZ

V 2207/6018

WM02/0104

JOHN C ALTMILLER
KENYON & KENYON
1025 CONNECTICUT AVE NW
WASHINGTON DC 20036

EXAMINER

BUI, K

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

01/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/208,064

Applicant(s)

Lortz et al.

Examiner
"Krista" Kieu-Oanh Bui

Group Art Unit
2611



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 835 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-30 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-30 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2611

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 8, 13-14, 22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyahara (U.S. Patent No. 5,699,052).

Regarding claims 1 and 16, Miyahara discloses a method and a set of instructions residing on a storage medium capable of being executed on a processor to implement the method for controlling at least two audio/video ("A/V") devices to render a desired content (Figs. 1-2 and col. 2/lines 14-35), comprising constructing a filter graph of at least two A/V devices as a function of a connection topology of at least two A/V devices and desired content, i.e., a constructive table shows the connection topology of at least two A/V devices and its desired content (Fig. 4a and col. 3/lines 53-61); and controlling at least two A/V devices via filter graph to render desired content on one of at least two A/V devices, i.e., based on the table, the selecting

Art Unit: 2611

step of at least two A/V devices can be performed using the A/V selector (Figs. 1, 3 & 5 and col. 3/lines 1-22).

As for claims 8 and 22, the step of "wherein said desired content is determined as a function of a user input" is taught by Miyahara as Miyahara reveals that the user can select object A/V system from the menu (Figs. 6a-6c and Fig. 7).

With respect to claims 13 and 26, Miyahara suggests the step of "validating said filter graph as a function of said connection topology" by providing the reproduction routine check (Fig. 8).

As for claims 14 and 27, Miyahara discloses "wherein the processor controls said at least two devices via a command transmission device", i.e., a CPU 13 controls the command transmission a plurality of A/V devices (Fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

4. Claims 2-7, 12, 17-21, 25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052) in view of Laubach et al. (U.S. Patent No. 6,081,533).

Regarding claims 2-3 and 17-18, Miyahara does not clearly mention to include "wherein constructing said filter graph includes: connecting at least two device filters corresponding to said at least two A/V devices" and "wherein each of said at least two device filters includes predetermined characteristics of a corresponding one of said at least two A/V devices"; however, the technique of using a device filter or more with predetermined characteristics of a corresponding one of the at least two device filters in order to provide a filter table or a filter graph of connected devices to a control system is taught by Laubach (Laubach, Fig. 3/item 319, and col. 7/lines 14-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara's system with Laubach's disclosed technique in using device filters in order to select and discard the wanted or unwanted information, respectively. The motivation for doing this is either to filter out unwanted information or to sort out information data sources as desired.

As for claims 4-5 and 19-20, in further view of claims 2-3 above, Laubach suggests the steps of "wherein said predetermined characteristics of each of said at least two device filters includes at least one of an input pin and an output pin", i.e., as the filter 310 has an input port from element 307 and an output port to element 311, and the filter 319 has an input port from element 311 and an output port to element 321 (Laubach, Fig. 3) and "wherein said at least two

Art Unit: 2611

device filters are connected by connecting said at least one of said input pin and said output pin of one of said at least two device filters to said at least one of said input pin and said output pin of the other one of said at least two device filters" (Fig. 3/via Port 2).

With respect to claim 6, in view of claims 2-3 above, Miyahara further discloses "wherein said predetermined characteristics of each of said at least two device filters includes a media type, and wherein said filter graph is constructed as a further function of said media type of at least one of said at least two device filters" as Miyahara reveals the media types of A/V devices on the filter graph or filter table (see Miyahara, Fig. 4a with VCR type or TV type).

Regarding claims 7, 12, 21 and 25, Laubach further inherently suggests "wherein said predetermined characteristics of each of said at least two device filters includes a location, and wherein said filter graph is constructed as a further function of said location of at least one of said at least two device filters" and "determining a user location, wherein said filter graph is constructed as a further function of said user location" because the filter table shows device number and terminal number (Fig. 4a & b), a user easily realizes where those devices are located since he is the one who sets them up to where as he prefers.

Regarding claim 28-30, these system claims are rejected for the reasons given in the scope of claims 1-8 and 12-15 as already disclosed above (and as below for claim 15).

Art Unit: 2611

5. Claims 9-11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052) in view of Kimura et al (U.S. Patent No. 5,247,580).

Regarding claims 9-11 and 23-24, Miyahara does not disclose "wherein said user input is a verbal command, the method further comprising: determining said rendered content as a function of said verbal command"; "determining a desired activity as a function of said verbal command, wherein said filter graph is constructed as a further function of said desired activity" and "determining a target device as a function of said verbal command, wherein said target device indicates which of said at least two A/V devices renders said desired content" as claimed; however, the technique using a verbal command to operate a target device is taught by Kimura as Kimura teaches a voice-operated remote control system that can recognize the verbal command of human voice and operates an A/V system (see Kimura, col. 1/lines 13-34; and col. 1/line 58-col. 2/line 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara's system with Kimura's disclosed voice-operated remote control system in order to obtain an enhanced A/V control system with verbal commands from a distance to operate the A/V system for selecting or switching target devices as desired.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara (U.S. Patent No. 5,699,052).

With respect to claim 15, Miyahara does not clearly to mention "wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio

Art Unit: 2611

frequency transmitter"; however, the Examiner takes Official Notice that it is well-known in the art that one can easily use a serial cable as means for cable connection and an infrared and a RF transmitter as means for wireless connection between the control device and A/V devices as claimed. There is no restriction in how the two mentioned devices to interconnect either in cable connection means or in wireless connection means. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara's system with the additional step of "wherein said command transmission device includes at least one of a serial cable, an infrared transmitter and a radio frequency transmitter" as preferred choices to interconnect the control system and the A/V devices.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirosawa et al (US Patent 5,202,989) disclose control method for a computer network system.

Yashiro (US Patent 5,418,527) discloses a remote control system for audio/video system.

Tanaka et al. (US Patent 5,420,573) disclose an audio-visual system with 2-way communication.

Florin et al. (US Patent 5,583,560) disclose a method and apparatus for audio-visual interface for the selective display of listing information on a display.